

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARIA C., a minor, by and through her parent	:	CIVIL ACTION
and natural guardian, IRIS NEREIDA CAMACHO	:	
	:	
v.	:	
	:	
THE SCHOOL DISTRICT OF PHILADELPHIA	:	NO. 02-4336

DEFENDANT'S OBJECTION TO PLAINTIFFS'
REPLY AND SUPPLEMENTAL FILINGS

Defendant School District of Philadelphia (the "District") by its undersigned attorney hereby objects to and respectfully requests this Honorable Court to disregard Plaintiffs' filings with the Court subsequent to Defendant's Response filed on October 29, 2003, and in support thereof states as follows:

1. In response to the Order of Court dated October 1, 2003, Plaintiff filed on October 10, 2003, "Plaintiff's Response to Court's Order for Plaintiffs' Attorney's Final Hours Expended on Behalf of Maria C." (Doc. No. 19), and later on October 20, 2003 – more than the ten days permitted by the Order – Plaintiffs filed papers titled "Plaintiffs' Completed Record and Factual Narrative" (Doc. No. 20).

2. On October 29, 2003, the District complied with the Court's Order by filing "Defendant's Response in Opposition to Plaintiffs' Final Statement of Plaintiffs' Claim for Attorneys' Fees and Expenses" (Doc. No. 21).

3. On November 3, 2003, without leave of Court or consent of the Defendant, Plaintiffs filed "Plaintiffs' Response to Defendant's Memorandum of Law in Opposition to Plaintiffs' Final Claim for Attorneys' Fees and Completed Record in Support Thereof" (Doc. No. 22).

4. On November 25, 2003, also without leave of Court or consent of the Defendant, Plaintiffs filed "Plaintiff's Attorney's Updated Final Hours Expended on Behalf of Maria C." (Doc. No. 23).

5. Plaintiffs' filings of November 3, 2003 (*supra*, para. 3) and November 25, 2003 (*supra*, para. 4) violate F.R.C.P. Rule 15(a) and 15(d) because Plaintiffs did not obtain leave of court through a motion, or the District's written consent, to amend or supplement their statement and explanation of October 20, 2003 (*supra*, para. 1). The November filings are clearly not permitted by the Court's Order of October 1, 2003, which made absolutely no provision for filings subsequent to the District's Response that was filed on October 29, 2003.

6. The District hereby incorporates by reference as though fully set forth herein the argument in Section II (C) (1) of its Response in Opposition to Plaintiffs' Final Statement of Plaintiffs' Claim for Attorneys' Fees and Expenses (*supra*, para. 2).

WHEREFORE, Defendant School District of Philadelphia requests this Honorable Court to disregard Plaintiffs' filings with the Court subsequent to Defendant's Response filed on October 29, 2003.

RESPECTFULLY SUBMITTED,

/s/ C. Reginald Johnson
C. REGINALD JOHNSON, ESQUIRE
Assistant General Counsel
School District of Philadelphia
Office of General Counsel
2130 Arch Street, 5th Floor
Philadelphia, PA 19103-1390
(215) 299-7676

Attorney for Defendant,
School District of Philadelphia

Dated: November 26, 2003

CERTIFICATE OF SERVICE

I hereby certify that the attached Defendant's Objection to Plaintiffs' Reply and Supplemental Filings has been filed electronically on November 26, 2003, and is available for viewing and downloading from the ECF system and that counsel for plaintiffs has consented to electronic service:

justluisesq@att.net

Luis P. Diaz, Esquire
1118 Lombard Street, Suite 5
Philadelphia, PA 19147

Attorney for Plaintiffs

/s/ C. Reginald Johnson

C. Reginald Johnson, Esquire
Assistant General Counsel
Attorney for Defendant,
School District of Philadelphia

Dated: November 26, 2003